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USDOC FOR 532/OEA/MNICKSON/ADYSON/TWILLIS/EHOLLAND
USDOC FOR 3132 FOR FCS/OIO REGIONAL DIRECTOR PATRICK SANTILLO
BICE FOR OFFICE OF STRATEGIC INVESTIGATIONS

SIPDIS

E.O. 12958: N/A

TAGS: BMGT BEXP HK ETRD ETTC

SUBJECT: EXTRANCHECK: PRE LICENSE CHECK: PRODUCT TESTING AND
DUTIABLE COMMODITIES SEC., GOVERNMENT OF HONG KONG LABORATORY

REF: A) D409759 B) USDOC 00086

¶11. Unauthorized disclosure of the information provided below is prohibited by Section 12C of the Export Administration Act.

¶12. At the direction of the Office of Enforcement Analysis (OEA) of the USDOC Bureau of Industry and Security (BIS), Export Control Officer Philip Ankel (ECO) conducted a pre-license check (PLC) at the Product Testing and Dutiable Commodities Section, Government of Hong Kong Laboratory, 2B Cheung Yip Street, Hong Kong. The item in question is an Agilent 7500cx ICP-MS. This item is classified under export control classification number (ECCN) 3A233 and is controlled for nuclear nonproliferation (NP) reasons. The license applicant is Agilent.

¶13. The Hong Kong Laboratory, Product Testing and Dutiable Commodities Section provides analytical and advisory support to the Customs and Excise Department in the enforcement of legislation concerning consumer protection. More information can be found at www.govtlab.gov.hk.

¶14. On January 23, 2009, ECO visited the Product Testing and Dutiable Commodities Section and met with Dr. Mr. C K Tsang, Chemist, Analytical and Advisory Services Division. He confirmed that the Product Testing and Dutiable Commodities Section ordered the item in question from Agilent's Hong Kong distributor, Tegent Technology as part of a tender process. The new item is being purchased to replace an existing testing unit that is quite old and not capable of testing to the degree of specificity required in light of new regulatory requirements. This section of the Government Laboratory tests samples provided by Hong Kong Customs (such as cosmetics or toys) for trace metal content. Mr. Tsang was open and cooperative and provided purchase order and other documentation confirming the purchase.

¶15. ECO notes that Hong Kong government entities typically purchase equipment through a centralized tender process from Hong Kong resellers. This process is an open and transparent process and ECO views it as highly unlikely that items procured by the Hong Kong Government or affiliated entities will be diverted to unauthorized end-uses or end-users.

¶16. Based on the information noted above, ECO believes that the Product Testing and Dutiable Commodities Section is a suitable recipient of U.S. origin controlled technology.